

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

KERI MIGLIORETTO,

6:12-CV-01136-JE

Plaintiff,

v.

ORDER

COMMISSIONER SOCIAL SECURITY
ADMINISTRATION,

Defendant.

MARSH, Judge.

Magistrate Judge Jelderks filed his Findings and Recommendation (#30) on August 12, 2013. Judge Jelderks recommended that the Social Security Commissioner's decision be affirmed. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

Plaintiff filed timely objections (#32), arguing that the Administrative Law Judge inappropriately applied the doctrine of

administrative *res judicata*, and improperly weighed plaintiff's testimony, multiple portions of the medical testimony, and the lay testimony.

When a party objects to any portion of the Magistrate's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate's report. See 28 U.S.C. § 636(b)(1)(B); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982); accord Dawson v. Marshall, 561 F.3d 930, 932 (9th Cir. 2009); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

Therefore, I have given the file of this case a *de novo* review and have carefully evaluated Judge Jelderks's Findings and Recommendation, plaintiff's objections, and the record of the case. I find that the Findings and Recommendation is well-reasoned and without error. Accordingly, I ADOPT the Findings and Recommendation (#30) of Judge Jelderks.

IT IS SO ORDERED.

DATED this 11 day of September, 2013.


Malcolm F. Marsh
United States District Judge